City of Fremont Initial Study

1. **Project**: Fremont Skate Park (PLN2011-00130; PWC8672)

2. **Lead agency name and address (including e-mail address/fax no. as appropriate):**

   City of Fremont
   Community Services Department
   39550 Liberty Street, PO Box 5006
   Fremont, CA 94537-5006
   Phone: 510.494.4700
   Fax: 510.494.4721
   Email: landscapearchitecture@fremont.gov

3. **Contact person and phone number (including e-mail address/fax no. as appropriate):**

   Roger Ravenstad, Senior Landscape Architect
   Phone: 510.494.4723
   Email: rravenstad@fremont.gov

4. **Project location:** 40500 Paseo Padre Parkway

5. **Project sponsor's name and address (including e-mail address/fax no. as appropriate):**

   City of Fremont
   Community Services Department/Landscape Architecture Division
   39550 Liberty Street, PO Box 5006
   Fremont, CA 94537-5006
   Phone: 510.494.4700
   Fax: 510.494.4721
   Email: landscapearchitecture@fremont.gov

6. **General Plan designation:** Institutional Open Space

7. **Zoning:** Open Space/Open Space(Floodway) (OS/OS(FW))

8. **Description of project:** The proposed project is a community skate park located on a relatively flat one-acre site within the larger 450-acre Central Park. The skate park would be located on a portion of a former swim lagoon area that was filled between 2007 and 2010. After the skate park is constructed, the remaining two acres of the former swim lagoon would not be developed as part of this project.

   The skate park is an outdoor facility that would be used by skateboarders and skaters ranging in age from two to sixty years, with the anticipated average user age of 14 years. The skate park would be open for use daily during standard park hours from sunrise to 10 p.m. The facility has been designed to incorporate both street and bowl type skating to enable use by a broad range of skaters. The facility would be constructed of structurally engineered poured-in-place concrete to minimize cracking and facilitate precision finish surfaces. Edges and ledges will be finished in a metal coping to protect it from the wear of grinding maneuvers. Selected areas would be finished with brick stamped and stained concrete.

   Within the site, about 60 percent (25,000 square feet) of the area comprises skating surfaces. Figure 2 depicts the skating surface area, including five general areas: street course; plaza; advanced bowl; snake run; and flow and mini bowls. The skate park provides unique skating features such as return banks, rails, and vertical walls. Integrated within the skating surface area would be landscape improvements intended to provide unique viewing opportunities, shade and cooling, and aesthetic enhancements/variation. The integrated landscape areas would be improved with integrated synthetic turf, trees, plantings, stormwater retention/percolation areas (to provide for on-site stormwater management from rain events and site improvements), as well as spectator and skating resting areas.

Non-skating surface improvements (outside of the skate surface area) include shade structures, picnic benches, spectator seating benches, drinking fountains, bike racks, lighting for night skating and safety/security, and trees and landscape. These non-skating surface amenities are intended to support observers at the skate park and would be standard in size and material as elsewhere in Central Park. Landscape improvements include shade trees along the perimeter of the facility, as well as transitional sod turf areas from the skate park to the larger Central Park area. Proposed lighting standards (e.g., poles) would be approximately six inches in diameter and no taller than 30 feet with illumination shielded and directed downward. The rear (northeast) boundary of the skate park includes an eight-foot tall black clad fence. The other edges of the facility would be unfenced, typical for City park facilities.

Construction of the skate park is anticipated to take 6-months to complete. Estimated start of construction is targeted to commence in April 2012 and conclude in September 2012. Construction activities would occur consistent with the Fremont Municipal Code restrictions, being from Monday through Friday from 7 a.m. to 7 p.m. and Saturday/Holidays from 9 a.m. to 6 p.m. No construction activity would occur on Sundays. The remaining 2-acres (from the prior swim lagoon) of the fill (dirt) area will be used as the construction staging area. Excess fill from skate park construction will spread over the remaining 2-acre swim lagoon area. A few of the parking spaces (i.e., 6 to 10 spaces) directly adjacent to the skate park site will be used by construction workers to park their trucks/cars and place a few storage containers for use during the construction activity period. During the construction period, all construction equipment will be stored in the 2-acre fill area.

9. **Surrounding land uses and setting:** As described and depicted on the Project Vicinity Map, the approximately one-acre project site is located at the southern end of the Central Park, a 450-acre community park located in the central portion of Fremont. In addition to the proposed skate park, Central Park also provides other unique and large community facilities, such as the dog park, performance pavilion, Lake Elizabeth with recreational boating, tennis and softball complexes, community and senior centers, food concessions, the Aqua Adventure Water Park, as well as is the primary location for special large community events (e.g., kite festival, walk-a-thons, Summer Thursday night concert series). Central Park has a triangular shape, and is bound by Stevenson Boulevard to the northwest, Paseo Padre to the southwest, and Union Pacific rail corridor to the east. The site is located directly adjacent to the Aqua Adventure Water Park (also constructed on a portion of the former swim lagoon area).

Within Central Park, Lake Elizabeth is centrally located and comprises approximately 68 acres of the park's 450 acres. Lake Elizabeth is used for recreational boating, wildlife habitat, flood control, and groundwater recharge. The nearest reach of Lake Elizabeth to the skate park is at a distance of approximately 700-feet. In addition to Lake Elizabeth, other water sources in the area include Mission Creek, which flows south and parallel to Lake Elizabeth and drains into Stivers Lagoon to the east of the project site. The nearest reach of Mission Creek/Stivers Lagoon is approximately 600 feet from the project site, located directly across the parking area to the east of the Aqua Adventure Water Park. Multiple parking areas are located throughout Central Park. Parking in City parks is shared among all park users, with no dedicated parking for any one particular facility. The nearest parking area to the skate park is an approximately 500-space lot located directly adjacent to the site and Aqua Adventure Water Park (a portion of which is visible in Figure 1). Both the adjacent parking area and water park are illuminated with lighting for nighttime activities and safety/security from sunset to sunrise. Additionally, Paseo Padre Parkway includes standard city street lights within the right-of-way that provide illumination along the edge of the Park.

In addition to adjacent uses within Central Park, the skate park would be bound to the south by the adjacent parking lot and Paseo Padre Parkway. In this location, Paseo Padre Parkway is approximately 200-feet from the proposed skate park. Within this 200 foot area, the existing parking area and walkways are approximately 90 feet wide and the bermed landscape area is approximately 110 feet wide. The landscaped area is planted with ornamental landscaping, grassy turf, and trees. At this location, Paseo Padre Parkway is 100-foot wide, four-lane roadway with a landscaped median. South of Paseo Padre, the area is developed with existing single-family

homes. The distance between the project site and these homes is approximately 300 feet. The homes are approximately 10 feet higher in elevation than the current grade of the project location.

The project site is undeveloped/unimproved, lacking landscaping (e.g., sod turf), defined walkways, or other typical improvements found within Central Park. As described, in the past, the site was part of a 7-acre swimming facility known as the "swim lagoon" that was closed in 2001. From 2007 to early 2010, the portion of the 7-acre site not developed with the Aqua Adventure Water Park received dirt from City public works projects in order to fill the former swim lagoon.

10. **Congestion Management Program - Land Use Analysis:** The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

	YES	X	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
	YES	X	NO	A Notice of Preparation is being prepared for this project.
	YES	X	NO	An Environmental Impact Report is being prepared.

11. **Other public agencies required approval of involvement:** *(e.g., permits, special district boundaries, financing approval, or participation agreement.)* None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M."

	Aesthetics		Agriculture and Forrest Resources	M	Air Quality
	Biological Resources	M	Cultural Resources		Geology / Soils
	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning
	Greenhouse Gas Emissions		Mineral Resources		Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Utilities / Service Systems		Mandatory Findings of Significance

PREVIOUS ENVIRONMENTAL DETERMINATION RELIED UPON FOR SIGNIFICANT EFFECT: n/a

DETERMINATION BY THE CITY OF FREMONT:

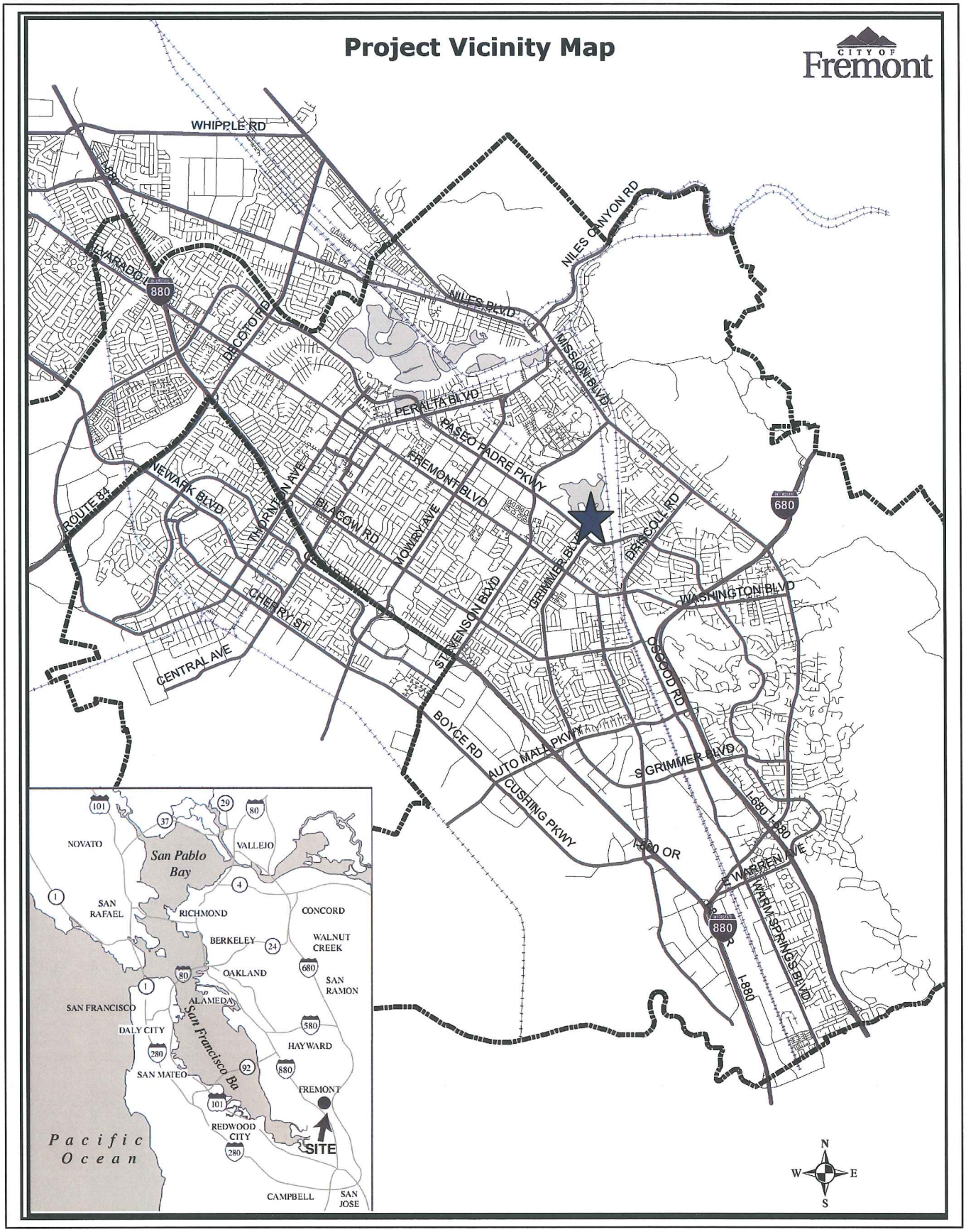
On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Jennifer Brame Date: March 23, 2011

Preparer's Printed Name: Jennifer Brame, Associate Planner For: City of Fremont

Senior Planner Review: _____
Kelly Diekmann


Project Vicinity Map
CITY OF Fremont
WHIPPLE RD
ALVARADO
880
NILES CANYON RD
NILES BLVD
MISSION BLVD
PERALTA BLVD
PASEO PADRE PKWY
FREMONT BLVD
NEWARK BLVD
ROUTE 84
THORNTON AVE
BLACOW RD
MOWRY AVE
GRIMMER BLVD
BRAE COLL RD
680
WASHINGTON BLVD
STEVENSON BLVD
CHERRY ST
CENTRAL AVE
OSGOOD RD
BOYCE RD
AUTO MALL PKWY
S GRIMMER BLVD
CUSHING PKWY
I-880 OR
I-880
WARREN AVE
WARM SPRINGS BLVD
NOVATO
San Pablo Bay
VALLEJO
SAN RAFAEL
RICHMOND
CONCORD
BERKELEY
WALNUT CREEK
OAKLAND
SAN RAMON
SAN FRANCISCO
ALAMEDA
San Francisco Bay
DALY CITY
HAYWARD
SAN MATEO
FREMONT
REDWOOD CITY
SITE
Pacific Ocean
CAMPBELL
SAN JOSE
N
W
E
S

I. AESTHETICS - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect on a scenic vista?			X		2, 8, 12, 30 A, B
b	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	2, 8, 12, 30 A, B
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		2, 8, 12, 30 A, B
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		B

Comment: Paseo Padre Parkway adjacent to the project site is identified in the Fremont General Plan Natural Resources Element as a County/City Scenic Route. Central Park and Lake Elizabeth are identified in the Natural Resources Element as Unique Visual Features with combined views of water and the East Bay Hills, as well as open space views within the park and to the surrounding hills. Central Park is also a citywide park, as described in the General Plan Parks and Recreation Element and Parks and Recreation Master Plan. As such, facilities in this park serve the needs of the entire community, including active and passive recreation areas (e.g. playground equipment, benches, trails, picnic shade structures, etc.), special facilities for community wide events, and organized and unorganized sports complex areas with lighting for nighttime use. The General Plan identifies citywide parks as the appropriate locations for the siting of special facilities, such as the Aqua Adventure Water Park, band pavilion, and community centers. The proposed skate park would add an active recreational facility to the periphery of Central Park, consistent with both the intended and existing use and character of the park.

The skate park has a low-lying profile, with most of the skating features below grade (e.g., bowls) or short structures above grade (e.g., stairs and benches less than six feet in height). The tallest structures to be added to the skate park are light standards, which would be comparable in size (i.e., 30 feet) and illumination to other lighting in Central Park. The new light standards will illuminate the skate park area from sunset until the park closes at 10 p.m. Existing lighting at the adjacent parking area and water park remain illuminated throughout the nighttime hours from sunset to sunrise. Skate park lighting would have shielded lamps/bulbs that would be directed downward to prevent spill of light beyond the skate park, as well as to prevent release of light up into the night sky, thereby preventing creation of any potential nighttime glare.

Fremont General Plan directs review of visual access to scenic resources from designated scenic routes and public places. Paseo Padre Parkway is an abutting locally designated scenic route with current views through the park and its pattern of natural vegetation and manmade improvements. The entire length of Paseo Padre Parkway along south and west edges of Central Park is approximately 1 mile or 5,280 feet. Park features within this area range from low profile parking areas with lighting to moderate height jungle gym/recreation equipment and single-story buildings to the tallest facility of the Aqua Adventure Water Park. Natural vegetation includes grass, ornamental bushes/trees, and substantially sized mature canopy and evergreen trees both in isolated occurrences and dense groupings. The skate park improvements from edge of landscaping and lighting to the current fence of the water park are approximately 300 feet at their widest dimension. Visual access to the scenic resources (i.e. Central Park Lake Elizabeth and beyond to the surrounding hills) would not be blocked because of low lying profile and sunken design of the majority of the facility. Furthermore, the majority of the vertical improvements (e.g. landscaping and lighting) are relatively transparent due to their narrow width and similar to most improvements already existing in the park.

While the project would add a new recreational facility to Central Park, the facility does not include any buildings, and all improvements would be consistent with the existing facilities and improvements throughout Central Park. Views from the adjacent scenic route and within the park to open space, water, and the

surrounding hills would be preserved as part of the project and are similar to the current character of existing Central Park improvements. Proposed lighting would *not* result in a new source of substantial light or glare when considering the current conditions and design controls of the project. No adverse day or nighttime view impacts would result from the project. The project would result in less-than-significant impacts on aesthetic resources.

II. AGRICULTURE AND FOREST RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 2, 19, 20, A, B
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 2, 19, 20, A, B
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?					NA
d.	Result in the loss of forest land or conversion of forest land to non-forest use?					NA
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to nonforest use?					NA

Comment: The project site is identified as "urban and built-up" by the Farmland Mapping and Monitoring Program. The site is not under a Williamson Act contract. The site is zoned Open Space, with allows both public parks and agriculture as principal uses. The site is located within the larger Central Park area, an existing public park used and planned for additional unique and large community facilities. The project site is not used for agricultural uses, nor does the City have any plans to allow such operations at this park. The proposed project would not impact any agricultural resources.

III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with or obstruct implementation of the applicable air quality plan?				X	1, 21, 22, A, B
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		1, 21, 22, A, B
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X			1, 21, 22 A, B
d.	Expose sensitive receptors to substantial pollutant concentrations?				X	1, A, B
e.	Create objectionable odors affecting a substantial number of people?				X	1, A, B

Comment: The City of Fremont uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts of construction, area, and operational related to criteria pollutants of the adopted Clean Air Plan. The Clean Air Plan focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest such monitoring station is #1014 at 40733 Chapel Way in Fremont. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include Reactive Organic Gases (ROG), Nitrous Oxides (NOx), and Particulate Matters (PM10 and PM2.5). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs per day for ozone precursors. General conformity to the Clean Air plan considers qualitative analysis of consistency with planning assumptions and growth estimates for the City and Bay Area.

Because the proposed skate park is consistent with the General Plan designation for the site, it is also consistent with the land use assumptions of the Clean Air Plan (CAP). Further, the level of traffic induced by the project (estimated average of 88 weekday trips and 11 PM peak hour weekday trips) would not generate criteria pollutants in excess of the BAAQMD thresholds. As a result, the project would not conflict with the regional air quality plan, nor would it create considerable additional cumulative impacts to regional air quality per BAAQMD guidelines.

Implementation of grading and construction involved in development of the skate park will result in potential short-term air quality impacts, such as dust generated by clearing and grading activities, exhaust emissions from gas- and diesel-powered construction equipment, and vehicular emissions associated with the commuting of construction workers. Local particulate concentrations would increase during construction, and may exceed BAAQMD thresholds.

Implementation of the following mitigation measure will reduce any construction related air quality impacts to a less-than-significant level.

Impact 1: Construction period activities could generate significant dust, exhaust, and organic emissions.

Mitigation Measure 1: *Construction period dust control.* To reduce identified grading and construction related air quality impacts to a less-than-significant level, prior to initiating ground disturbing activities, the following measures shall be included in a Dust Control Plan and noted on construction plans with a designated contact person for on-site implementation of the Dust Control Plan.

1. Water all active construction and site preparation work areas at least twice daily.
2. Cover all hauling trucks or maintain at least two feet of freeboard.
3. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
4. Limit idling of machinery by posting notices of CFR Title 13, Section 2485, restrictions of five minute duration.
5. Replant vegetation in disturbed areas as quickly as possible.

IV. BIOLOGICAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	1, 2, 3, 8, A, B, C, D
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X		1, 2, 3, 8, A, B, C, D
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 2, 3, 8, A, B, C, D
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	1, 2, 3, 8, A, B, C, D
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	1, 2, 3, 8, A, B, C, D
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	1, 2, 3, 8, A, B, C, D

Comment: In preparation for construction and operation of the abutting Aqua Adventure Water Park, a pre-construction survey was completed by Olberding Environmental, Inc. in 2006, to assess the presence of habitat that could support special status amphibians or nesting birds. The 2006 pre-construction survey found no special status amphibians on the site and the surrounding area to provide poor habitat quality due to the abundance of

non-native wildlife. Raptors, songbirds, and shorebirds were observed near the site; however, no nesting bird habitat was observed in the project area but were observed within the creek/lagoon to the east of the water park and at Lake Elizabeth. The surrounding area has not changed since these surveys were conducted. Since that time, the project site has been filled with dirt. As a result, no amphibian habitat exists within the project area. Because the project does not involve removal of any trees, construction-period activities would not impact potentially nesting birds in the trees near the project site.

The project site is devoid of any vegetation and was used to dispose of fill (dirt) from 2007 through 2010. There are no biological resources on the project site and, as such, no potential for the project to harm any biological resources either during construction or use/operation. As such, the project would result in less-than-significant biological resource impacts.

V. CULTURAL RESOURCES - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?			X		1, 2, 11, 27, 28, A, B
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 2, 11, 27, 28, A, B
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1, 2, 11, 27, 28, A, B
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 2, 11, 27, 28, A, B

Comment: The project area is sensitive for cultural resources, particularly archeological and paleontological resources. However, no known significant cultural resources, site structure, object, or human remains were identified either on the project site or were any discovered during the construction of the Aqua Adventure Water Park, located directly south of the project site. Additionally, the project will be built on an area of largely imported fill that further reduces the likelihood of encountering resources. Nonetheless, because the area is known to be sensitive for cultural resources, implementation of the following mitigation measure would reduce any potential impact to archeological or paleontological resources to a less-than-significant level.

Impact 2: Ground disturbing activities related to construction of the project may unearth archeological or paleontological resources resulting in a potentially significant impact to these resources.

Mitigation Measure 2: *Ground disturbing activities impacting archeological and/or paleontological resources.* The project area is sensitive for archaeological and paleontological resources. The applicant/City shall inform its contractor(s) of the cultural sensitivity of the area by including the following directive in construction documents and any grading plans for any components of the project:

"If archeological and/or paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archeologist and/or qualified paleontologist contracted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archeological and/or paleontological materials (e.g., fossils, bones, pottery, stone tools)."

The City shall verify that the language has been included on the construction documents and grading plans prior to initiating ground disturbing activities.

Should any archeological or paleontological resources be encountered on the project site, they shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, adverse effects to the resources shall be avoided or such effects must be mitigated. Mitigation may include monitoring, recording the resource locality, data recovery and analysis, a technical data recovery report, and accessioning the material and technical report to a cultural resource repository. Upon completion of the assessment, a report documenting the methods, findings, and recommendations shall be prepared and submitted to the project applicant/City of Fremont and a resource repository, such as the Northwest Information Center of California Historical Resources Information System at Sonoma State University or the University of California Museum of Paleontology, prior to finaling the skate park for use.

The project area is also sensitive for and known to contain informal Native American burial areas. Implementation of the following mitigation measure would reduce any potential adverse impacts to human remains to a less-than-significant level.

Impact 3: Project ground-disturbing activities may adversely impact Native American skeletal and cremated remains.

Mitigation Measure 3: *Proper treatment of human remains.* If human remains are encountered, these remains shall be treated in accordance with Health and Safety Code Section 7050.5. The applicant/City shall inform its contractor(s) of the cultural sensitivity of the project area for human remains by including the following directive in contract documents and grading and construction plans.

"If human remains are uncovered, work within 25 feet of the discovery shall be redirect and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted—if one is not already on site—to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains or associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Nation American Heritage Commission will identify a Native American Most Likely Descendant to inspect the site and provide recommendations for proper treatment of the remains and associated grave goods."

The City shall verify that the language has been included in the contract documents and constructions plans prior to initiating ground disturbing activities.

Upon completion of the assessment, the archeologist shall prepare a report documenting the methods and results and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the Most Likely Descendent. The report shall be submitted to the applicant/City of Fremont and the Northwest Information Center prior to finaling the skate park for use.

VI. GEOLOGY AND SOILS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		1, 2, 3, 5, 26, A, B, I, J, K, L, O
	ii) Strong seismic ground shaking?			X		1, 2, 3, 5, 26,

						A, B I, J, K, L, O
	iii) Seismic-related ground failure, including liquefaction?			X		1, 2, 3, 5, 26, A, B I, J, K, L, O
	iv) Landslides?				X	1, 2, 3, 5, 26, A, B I, J, K, L, O
b.	Result in substantial soil erosion or the loss of topsoil?				X	1, 2, 3, 5, 26, A, B I, J, K, L, O
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 2, 3, 5, 26, A, B I, J, K, L, O
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?			X		1, 2, 3, 5, 26, A, B I, J, K, L, O
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	1, 2, 3, 5, 26, A, B I, J, K, L, O

Comment: The entire San Francisco Bay Area, including Fremont, is located in a region of active seismicity. The seismicity of the region is primarily related to the San Andreas Fault Zone, which is a complex of active faults forming the boundary between the North American and the Pacific lithospheric plates. Movement of the plates relative to one another results in the accumulation of strain along the faults that releases during earthquakes. All structures and improvements in the Fremont could potentially be affected by ground shaking in the event of an earthquake. During a seismic event, ground shaking is experienced due to the movement of the ground resulting from fault strain release. Specific site influences are the Hayward Fault, also known as the Alquist-Priolo Fault, and site specific soil conditions. All of Central Park is identified as an area subject to liquefaction and the Hayward Fault traverses the southwest corner of the Park.

As part of the abutting Aqua Adventure Water Park entitlement process, geological investigations were conducted to understand the impact of the adjacent Hayward Fault traces on construction of the water park (Project Related References I, J, K, L, O). The water park geological investigations studied the seven-acre area previously used as the swim lagoon, including the one acre portion of the site proposed for the skate park.

Soils within the site tend to be unconsolidated and their composition includes varying mixtures of clay, silt, sand, and gravel. Boring at the site at a depth of approximate 50 feet and cone peretrometer test (CPT) data at a depth of 50 feet found the site is generally underlain by medium stiff to stiff clay that extend to the maximum depth of 50 feet. Groundwater was measured at a depth of about 16 feet. The geological investigations found that at a depth of 23 to 30 feet, the sand layer encountered is potentially liquefiable from earthquake shaking, causing up to two inches of ground surface settlement. The potential for ground surface failure associated with liquefaction, such as sand boils, is low. The clay sampled as part of the geological investigations indicated that the surficial soil at the site is highly expansive. The findings of the geological investigations have been incorporated into the design of the skate park to ensure the site is engineered to be seismically sound.

The proposed skate park is within the Alquist-Priolo Earthquake Fault Zone, with the nearest known fault trace located approximately 90 feet southwest of the skate park entry. This fault trace is located within the landscaped area between the parking lot and Paseo Padre Parkway as it extends south under Paseo Parkway and nearby homes and to the north through the Park. The Alquist-Priolo Fault Zoning Act (A-P Act) has the primary purpose to mitigate the hazard of fault rupture (direct physical displacement) by prohibiting the location of structures rated for human occupancy across the trace of an active fault. Consistent with the A-P Act, the Fremont General Plan prohibits the construction of structures rated for human occupancy within 50 feet of an identified fault trace. Because the skate park is greater than 50 feet from the nearest fault trace (i.e., 90 feet), construction or operation of the skate park is not limited by its proximity to the known fault trace.

The site is located in close proximity to a known fault trace and users of the skate park would experience strong ground shaking during a seismic event, just as any user of Central Park would experience. Nonetheless, construction and use of the site would result in less-than-significant impacts to geologic and soils resources.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X	1, 2, 21, 22, 23, A, B
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X	1, 2, 21, 22, 23, A, B

Background: With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It called for the state's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

Comment: The project does not directly or indirectly create emissions that influence climate change. As such, the project has a less-than-significant greenhouse gas impacts.

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	1, 2, 3, 6, 18, 29, A, B
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	1, 2, 3, 6, 18, 29, A, B
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter				X	1, 2, 3, 6, 18, 29, A, B

	mile of an existing or proposed school?					
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 2, 3, 6, 18, 29, A, B
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	1, 2, 3, 6, 18, 29, A, B
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	NA
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 2, 3, 6, 18, 29, A, B
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	29

Comment: Neither construction of the project nor use/operation of the skate park would result in the storage, use, or transport of hazards or hazardous materials. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project site is located on an existing park site; as such, construction and operation of the facility would not impair or physically interfere with any emergency evacuation plan. The project site is located within an urbanized area; no risk from wildland fires would result. No hazards or hazardous materials impacts would result from the proposed project.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Violate any water quality standards or waste discharge requirements?			X		1, 2, 14, 15, 16, 17, A, B
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 2, 14, 15, 16, 17, A, B
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	1, 2, 14, 15, 16, 17, A, B
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X	1, 2, 14, 15, 16, 17, A, B
e.	Create or contribute runoff water which would exceed the				X	1, 2, 14, 15, 16,

	capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?					17, A, B
f.	Otherwise substantially degrade water quality?				X	1, 2, 14, 15, 16, 17, A, B
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	1, 2, 14, 15, 16, 17, A, B
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X		1, 2, 14, 15, 16, 17, A, B
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X		1, 2, 14, 15, 16, 17, A, B
j.	Inundation by seiche, tsunami, or mudflow?					NA

Comment: The project site has a FEMA flood zone of Zone X, meaning it is outside of the 100-year floodway. Because the project does not include any housing and is located outside the 100-year flood hazard area, the potential for flooding related hazards is less than significant.

Development of the one-acre project site (a portion of the former swim lagoon) would not result in a substantial alteration in the existing drainage pattern of the site or area. Site development would improve an existing vacant, dirt covered area that was part of a former swim lagoon. All pervious and impervious areas within Central Park drain to Lake Elizabeth either directly or through periphery brooks and creeks.

While the anticipated construction period for the project is during the dry spring and summer months, the construction of the project is subject to comply with the Statewide General Construction Stormwater Permit, required by State law and implemented by the State Water Board. Such compliance includes employing best management practices as part of stormwater pollution prevention during the construction period to minimize site erosion and degraded runoff water quality. Sample BMP's include the use of straw rolls and silt fences around the site and stormwater water outlets, as needed, to manage construction-related soil erosion and runoff.

The proposed skate park has been designed to comply with the National Pollution Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit, section C.3, for impervious surfaces exceeding 10,000 square feet. These complying design factors include incorporation of biofiltration landscape areas throughout the skate park to treat on-site stormwater. Water collected in paved areas below grade, such as the deep skating bowls, will be pumped into the biofiltration areas for landscaped based stormwater treatment.

Neither design nor construction of the project would result in the degradation of water quality standards or requirements.

The project would result in less-than-significant impacts to hydrology or water quality resources.

X. LAND USE AND PLANNING - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Physically divide an established community?				X	1, 2, 3, A, B
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the				X	1, 2, 3, A, B

	purpose of avoiding or mitigating an environmental effect?					
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?					NA

Comment: The project site is an existing community park. Construction and operation of the facility would not physically divide an established community. The site is zoned Open Space, which allows for public parks and recreational facilities. No land use or planning impacts would result from the project.

XI. MINERAL RESOURCES -- Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Comment: The project site does not include any lands with known mineral resources. No mineral resource impacts would result.

XII. NOISE -- Would the project result in:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		1, 2, 3, 9, A, B, E, H
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	1, 2, 3, 9, A, B, E, H
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 2, 3, 9, A, B, E, H
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X	1, 2, 3, 9, A, B, E, H
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?					NA
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?					NA

Comment: The Fremont General Plan Health and Safety Element establishes acceptable noise level ranges for all land use areas. Sound levels are described as the magnitude or intensity of noise measured in terms of decibels (dB) and expressed as a weighted average of audible frequencies often shown with A-weighted average nomenclature of dBA. Even with the adjustments to audible frequencies, dBA values used for land use planning are then referenced to another weighted average to account for noise variations throughout the day. The General Plan uses a dBA-based threshold with a weighted average adjusting for day and night noise over 24 hours, known as the Day and Night Average Level (Ldn). The Ldn level approximates the average noise levels of the

surroundings. Perceptible increases in noise levels generally are a change of 3 dBA or more, as this level has been found to be perceptible to the human ear in outdoor environments.

The City of Fremont hired professional acoustical consultant Illingworth & Rodkin Inc. to prepare a noise assessment for the proposed project. Noise measurements were taken in February 2011 at locations near the proposed skate park and nearby sensitive receptors. Measurements included both short-term 10-minute exposures and long-term measurements over the course of a week. The long term monitoring location was elevated above the ground within a tree in front the nearby residences at 120 feet from the centerline of Paseo Padre Parkway. Short term monitoring was logged for a variety of locations described in detail within the full report. Additionally, the consultant visited an existing and operating comparable skate park in Sunnyvale, California, to inform estimates of noise that would be generated by the proposed project. The Sunnyvale skate park was a bowl design of similar material and finishes and includes some of skating features of the proposed skate park. The Sunnyvale facility is approximately 2/3^{rds} of the activity area of the proposed park. Projected noise generation for the Fremont skate park was conservatively estimated at double the activity levels of the Sunnyvale Park. The projected activity for Fremont results in an estimate of a 2 dBA increase in noise levels compared to observed levels at the Sunnyvale facility. Analysis considered both winter time ambient and projected summer time ambient conditions. The biggest difference between the two conditions was the operational noise levels of the adjacent Aqua Adventure Water Park. The acoustical consultant provided other background information and modeling necessary to evaluate the potential effect of the project, as described in full detail with noise assessment report.

The surrounding setting of the project site is relatively flat within Central Park with a slight grade change up towards at Paseo Padre Parkway and beyond to adjacent single-family homes. The closest sensitive receptors are the eight homes along Paseo Padre Parkway, generally bounded by Baylis Drive and Rockett Drive. The homes are 300 to 500 feet away from the project site. Most of these homes front upon Paseo Padre Parkway. The primary sources of existing noise are the four-lane divided arterial roadway, Paseo Padre Parkway, and in the summer time the operation of Aqua Adventure Water Park. Measurements of existing conditions establish the ambient noise condition as a Ldn of 67 dBA for weekdays and 66 dBA for weekends. Maximum noise level measurements ranged from 75 to 85 dBA.

The thresholds of significance for XII. Noise questions A, C, and D are summarized below:

- Would the project cause the day night average (Ldn) of a residential area to exceed Ldn 60 dBA or if already above a 60 dBA increase the Ldn by 3 dBA? (General Plan Health and Safety Policy 8.1.2)
- Would the project generate noise exceeding hourly stationary source exposure levels of 50 dBA at residential receptors? (General Plan Health and Safety Policy 8.1.3)
- Substantial temporary increase in hourly noise (Leq) levels of 3 dBA during noise sensitive periods? (General Plan Health and Safety Policy 8.1.2)

The analysis of project indicates that at the at nearby receptor locations (listed in the table below) the relative average noise levels of the skate park would be approximately 15 decibels less than ambient conditions, and result in a change of 0.1 dBA over existing averages. The analysis of project impacts on the Ldn consider the skate park operating fully with skaters for 12 hours and results in a change of less than the hourly 0.1 dBA at the nearby receptors. The analytical results apply to both summer time and winter time project conditions. The differences in existing and project conditions are provided in the table below. The increment of change is well below the threshold of significance of 3 dBA. The project would have a less than significant impact on the surrounding noise sensitive residential receptors with an indiscernible increase in hourly average and day night average noise levels.

The hourly noise levels of the project are estimated in Column C of the table below. The hourly noise levels at the noise sensitive residential receptors do not exceed the threshold of 50 dBA in the daytime hours. The noise

levels are also well below the ambient traffic noise generated along Paseo Padres Parkway. The project has a less-than-significant impact in regards to project-only noise generation.

The intermittent noise generated by the skate park in regards to maximum temporary noise exposures was calculated at a range of 50-55 dBA Lmax at the noise sensitive residential receptors. Individual analysis of the monitoring locations are included in the noise assessment appendices. Variations in noise levels account for different maneuvers and tricks performed by the skaters. Comparing the Lmax value of the proposed project versus the ambient 70-75 Lmax condition along Paseo Padre Parkway demonstrates the project noise levels will be less than existing conditions. Additionally, the analysis demonstrates that the typical noise condition (L90-noise levels exceeded 90% of the time) of the skate park versus ambient conditions show skate park generated noise levels to be less than existing conditions. The noise levels of proposed project would not be intrusive into the adjacent noise sensitive residential area. Ongoing and temporary noise level impacts would be less than significant.

Daytime Noise Levels Near Proposed Skate Park

	Column A Winter Existing	*Column B Summer Existing*	*Column C Project Only*	*Column D Winter Project*	*Column E Summer Project*
Receiver	**Traffic Only Leq (dBA)**	**Traffic and Water Park Leq (dBA)**	**Skate Park Only Leq (dBA)**	**Traffic and Skate Park Leq (dBA)**	**Skate Park and Water Park Leq (dBA)**
R1 – Along Baylis St., 110 feet from center of Paseo Padre Pkwy,	64.8	66.1	48.3	64.9	66.2
R2 – 90 feet from center of Paseo Padre Pkwy, 20 feet south of Baylis St.	66.2	67.6	49.3	66.3	67.6
R3 –75 feet from the center of Paseo Padre Pkwy, 390 feet from Baylis St.	66.9	68.5	49.2	66.9	68.5
R4 – From second story height along Rockett Dr., 105 feet from the center of Paseo Padre Pkwy.	64.6	67	46.9	64.7	67.1
R5 – Along Vaca Dr., 560 feet north of Paseo Padre Pkwy.	56.5	57.6	35.2	56.5	57.7
LT-1 – 120 feet from center of Paseo Padre Pkwy, adjacent to Park Parking lot.	66.1	69.4	54.8	66.4	69.5
Note: Noise level of 58.5 Leq (dBA) was calculated at a reference distance of 100 feet from the nearest edge of proposed Skate Park. Decimal values are presented for comparative purpose only, values less than one are not within instrument's measurable accuracy.					

Source: Fremont Skate Park Environmental Noise Assessment, Table 7, Illingworth & Rodkin, March 8, 2011.

During the project construction period, it is likely that heavy equipment will be used for a portion of the six-month period. The City anticipates use of heavy equipment at the beginning of the project and possibly at the end of the project construction. Comparison of noise levels of construction equipment versus ambient conditions found that project activities are similar to the ambient conditions and would not have a discernable change in the surroundings during daytime hours. City of Fremont restricts construction activity during noise sensitive periods of night time and early morning. The project will conform to Fremont Municipal Code requirements for construction hours and, therefore, no impact in temporary substantial change in noise would result.

XIII. POPULATION AND HOUSING -- Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 3, 4, A, B
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 3, 4, A, B
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 3, 4, A, B

Comment: There is no existing housing on the project site. As such, no displacement of housing or persons would result from the project. No population or housing impacts would result from the project.

XIV. PUBLIC SERVICES

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
	Fire protection?				X	1, 2, 10, A, B, F
	Police protection?				X	1, 2, 10, A, B, G
	Schools?				X	1, 2, 10, A, B
	Parks?				X	1, 2, 10, A, B
	Other public facilities?				X	1, 2, 10, A, B

Comment: Existing infrastructure and facilities adjacent to the project site could adequately serve the proposed project. Development of the site would comply with all applicable Building and Fire Code requirements.

There are two fire stations near to the proposed skate park: 1) Station 3 at 40700 Chapel Way in Irvington (approximately 0.75 diving mile south of the skate park); and 2) Station 9 at 39609 Stevenson Place at the northern end of Central Park (approximately 2 driving miles north of the skate park). Station 3 would be the first responder to the site. Station 9 would be the second responder. Since no buildings would be constructed in the skate park, the majority of emergency fire service calls would be for emergency medical support. The Fremont Fire Department has adequate capacity to provide service to the skate park. Operation/use of the skate park is within the service area of the Fire Department and has no impact on the need for facilities.

The project has been designed to address public safety by utilizing a site that provides Fremont police and Central Park rangers viewing areas for surveillance when patrolling from adjacent parking lots, roadways, and from within Central Park (on service roads/paved walkways). The ranger's station is located within Central Park in the boat house approximately 1,900 feet (⅓-mile) from the skate park. Ranger's patrol the park daily from 6 a.m. to 8 p.m. by foot, on bike, on motorcycles, and in trucks, and would be the first responders to suspicious activities within the skate park. The rangers would call for support from the Fremont Police Department, if required. The Fremont Police Department is located on the west side of Central Park, at 2000 Stevenson Boulevard (one driving mile west of the project site) and patrol the City 24 hours per day. The Fremont Police Department has reviewed the project location and design, ensuring that public safety has been appropriately addressed. Operation/use of the skate park is within the service area of the Police Department and has no impact on the need for facilities.

No adverse impacts to public services would result from the project.

XV. RECREATION

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				**X**	1, 2, 12, A, B
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				**X**	1, 2, 12, A, B

Comment: The project would add a recreational facility to the City's largest community park identified for such facilities, further contributing to the City's ability to serve the diverse recreation needs of the community. No adverse impacts to recreation would result from the project.

XVI. TRANSPORTATION/TRAFFIC - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				**X**	1, 2, 7, A, B, N
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				**X**	1, 2, 7, A, B,N
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				**X**	1, 2, 7, A, B
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				**X**	1, 2, 7, A, B.M

e.	Result in inadequate emergency access?				X	1, 2, 7, A, B, F, M,N
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 2, 7, A, B

Comment: The majority of the skate park patrons are expected to get to and from the facility either by foot, skateboard, or bike, resulting in few, if no, vehicular trips. Nonetheless, a conservative estimate of trips using Institute for Transportation Engineers (ITE) trip generation rate for a multi-purpose recreational facility is applied to the one-acre project for an estimated average of 11 vehicle trips during the weekday PM peak hour and an average of 88 weekday trips. Recent traffic counts for Paseo Padre Parkway adjacent to the site found this segment had a 27,381 weekday trips and 2,481 PM peak hour trips. Paseo Padre Parkway is a four-lane parkway with a divided median. Design capacity for this road type exceeds 4,000 peak hour trips. The entrance to the park is a signalized intersection with Grimmer Boulevard and Paseo Padre Parkway. The intersection operated at a level of service (LOS) "D" based on 2008 traffic information. LOS D is the operational standard identified in the Transportation Element of the General Plan. This intersection was reconstructed and improved in 2010. The segment of Paseo Padre Parkway from Driscoll Road to Stevenson Boulevard has a low accident history of 21 incidents from 2004 to 2007 and a rate of 14 incidents from 2007 to 2010. Recent improvements at the Rocket Drive intersection now restrict left turns, and thereby eliminate a major source of collisions in this area. The project would result in negligible additional vehicular trips, adding 0.32-percent in daily trips and 0.46-percent in PM peak hour trips in on the existing roadway conditions. Due to the low number of project-related vehicle trips, the project would result in no measureable effect on the existing roadway conditions.

Access to the site will occur through existing driveways and parking areas. The primary access to the site is at traffic signal controlled intersection with secondary access at a right-in and right-out driveway. The adjacent parking area has two points of ingress and egress with a "through" circulation pattern. Emergency fire and medical response access to the skate park would be from one of these two driveways from Paseo Padre Parkway. Each entrance drive aisle lane (e.g., ingress lane or egress lane) ranges from 18 to 20 feet wide. The standard drive aisle width at parking entrances is 12 feet. As a result, if cars entering this parking area where queued up waiting for a parking space, an emergency vehicle could pass on the side. Further, the one-way drive aisles within the parking area (beyond the entrance/exit area) range in size from 24 to 30 feet wide, also providing adequate width to maneuver around if cars were queued in the drive aisle waiting to park. Finally, if cars were queued outside of the park, along Paseo Padre, waiting to enter the parking area, and an emergency fire vehicle approached the park entrances with its lights and horns engaged, the cars would get out of the way of the emergency fire vehicle, as required by State law.

Because the project does not alter the existing parking area or roadway network, nor would it add any new vehicular facilities, no unsafe design hazards or impacts to emergency access routes would result. The project incorporates bike racks for site users, consistent with policies for alternative transportation.

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	1, 2, 10, A, B
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	1, 2, 10, A, B
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the				X	1, 2, 10,

	construction of which could cause significant environmental effects?					A, B
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	1, 2, 10, A, B
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	1, 2, 10, A, B
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	1, 2, 10, A, B
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	1, 2, 10, A, B

Comment: Existing infrastructure and facilities adjacent to the project site could adequately serve the proposed project. No impact to utilities or services systems would result from the project.

XVIII. MANDATORY FINDINGS Of SIGNIFICANCE –

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		See previous
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	See previous
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	See previous

Comment: The proposed project would *not* result in any potentially impacts to wildlife, plants, or important cultural resources. The project has no cumulatively considerable impacts, nor would it cause any adverse effects on human beings. A draft Mitigated Negative Declaration and Mitigation Monitoring Plan will be prepared for the proposed skate park.

XIX. SUMMARY OF PROPOSED MITIGATION MEASURES

Impact 1: Construction period activities could generate significant dust, exhaust, and organic emissions.

Mitigation Measure 1: *Construction period dust control.* To reduce identified grading and construction related air quality impacts to a less-than-significant level, prior to initiating ground disturbing activities, the following measures shall be included in a Dust Control Plan and noted on construction plans with a designated contact person for on-site implementation of the Dust Control Plan.

1. Water all active construction and site preparation work areas at least twice daily.
2. Cover all hauling trucks or maintain at least two feet of freeboard.
3. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
4. Limit idling of machinery by posting notices of CFR Title 13, Section 2485, restrictions of five minute duration.
5. Replant vegetation in disturbed areas as quickly as possible.

Impact 2: Ground disturbing activities related to construction of the project may unearth archeological or paleontological resources resulting in a potentially significant impact to these resources.

Mitigation Measure 2: *Ground disturbing activities impacting archeological and/or paleontological resources.* The project area is sensitive for archaeological and paleontological resources. The applicant/City shall inform its contractor(s) of the cultural sensitivity of the area by including the following directive in construction documents and any future grading plans for any components of the project:

"If archeological and/or paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archeologist and/or qualified paleontologist contracted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archeological and/or paleontological materials (e.g., fossils, bones, pottery, stone tools)."

The City shall verify that the language has been included on the construction documents and grading plans prior to initiating ground disturbing activities.

Should any archeological or paleontological resources be encountered on the project site, they shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, adverse effects to the resources shall be avoided or such effects must be mitigated. Mitigation may include monitoring, recording the resource locality, data recovery and analysis, a technical data recovery report, and accessioning the material and technical report to a cultural resource repository. Upon completion of the assessment, a report documenting the methods, findings, and recommendations shall be prepared and submitted to the project applicant, the City of Fremont, and a resource repository, such as the Northwest Information Center of California Historical Resources Information System at Sonoma State University or the University of California Museum of Paleontology prior to finaling the skate park for use.

Impact 3: Project ground-disturbing activities may adversely impact Native American skeletal and cremated remains.

Mitigation Measure 3: *Proper treatment of human remains.* If human remains are encountered, these remains shall be treated in accordance with Health and Safety Code Section 7050.5. The applicant/City shall inform its contractor(s) of the cultural sensitivity of the project area for human remains by including the following directive in contract documents and construction plans.

"If human remains are uncovered, work within 25 feet of the discovery shall be redirect and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted—if one is not already on site—to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains or associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Nation American Heritage Commission will identify a Native American Most Likely Descendant to inspect the site and provide recommendations for proper treatment of the remains and associated grave goods."

The City shall verify that the language has been included in the contract documents and on the constructions plans prior to initiating ground disturbing activities.

Upon completion of the assessment, the archeologist shall prepare a report documenting the methods and results and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the Most Likely Descendent. The report shall be submitted to the applicant, the City of Fremont, and the Northwest Information Center prior to finaling the skate park for use.

GENERAL SOURCE REFERENCES:

1. Existing land use.
2. City of Fremont General Plan (Land Use Chapter Text and Maps).
3. City of Fremont Municipal Code Title VIII (e.g. Planning and Zoning, Subdivision, Grading and Maps)
4. City of Fremont General Plan (Certified 2009 Housing Element).
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Health and Safety Chapter).
6. City of Fremont General Plan (Health and Safety Chapter).
7. City of Fremont General Plan (Transportation Chapter).
8. City of Fremont General Plan (Natural Resources Chapter, e.g. including Biological resources, including Physical Zones, habitat zones (i.e., Tidal mudflat, wetland, low land, hill, grass land, etc), Unique Natural Areas (i.e., quarries, percolation ponds, etc.), mineral resources, Scenic and Visual).
9. City of Fremont General Plan (Health and Safety Chapter, subsection Noise).
10. City of Fremont General Plan (Public Facilities Chapter).
11. City of Fremont General Plan (Cultural Resources Chapter).
12. City of Fremont General Plan (Park and Recreation Chapter).
13. City of Fremont General Plan (Open Space Chapter).
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Storm Water General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Health and Safety Chapter).
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5. Accessed online.
19. Department of Conservation Important Farmland Map 2009
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List).
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010), CEQA Guidelines 2010.
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title IV Sanitation and Health (e.g. solid waste, tree protection)
25. City of Fremont Municipal Code Title VI Public Works and Public Utilities (e.g. streets and sidewalks)
26. City of Fremont Municipal Code Title VII Building Regulations

27. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
28. Local Cultural Resource Maps (CHRIS)
29. Fremont High Fire Severity Zone Map
30. City of Fremont, Parks and Recreation Master Plan, February 1995.

PROJECT RELATED REFERENCES:

A. Site Visit, February 3, 2011.

B. Proposed Skate Park Master Plan, July 2010.

C. Olberding Environmental, Inc., *California Tiger Salamander Habitat Assessment for the Proposed Central Park Swim Lagoon,* November 2005.

D. Olberding Environmental, Inc., *Pre-construction survey report for the Water Park Site and Band Pavilion, Fremont, California,* February 27, 2006.

E. Illingworth & Rodkin, Inc., *Noise Background Report*, July 1, 2008.

F. Jay Swardenski, Fire Marshall, Fremont Fire Department, e-mail correspondence, March 7, 2011.

G. Clarise Lew, Lieutenant, Fremont Police Department, e-mail correspondence, March 9, 2011.

H. Illingworth & Rodkin, Inc., Fremont Skate Park Environmental Noise Assessment, March 8, 2011.

I. Kleinfelder, Preliminary Geological and Geotechnical Conclusions and Recommendations for the Proposed Water Play Facility in Fremont, California, August 11, 2005.

J. Kleinfelder, Subsurface Fault Investigation Fremont Water Play Facility, Fremont Central Park, Fremont, California, January 17, 2006.

K. Cotton, Shires & Associates, Inc., Preliminary Geologic and Geotechnical Peer Review, Proposed Water Play Park, Fremont Central Park, February 7, 2006.

L. Kleinfelder, Geotechnical Investigation Report Fremont Water Play Facility, Fremont Central Park, Fremont, California, July 7, 2006.

M. Rene Dalton, Associate Transportation Engineer, Paseo Padre Accident History in the Vicinity of Proposed Skate Park Memorandum, March 17, 2011.

N. Rene Dalton, Associate Transportation Engineer, e-mail correspondence regarding trip generation rates for proposed skate park, March 9, 2011.

O. Kleinfelder, Subsurface Fault Investigation, Proposed New Band Pavilion, Fremont Central Park, Fremont, California, September 15, 2006.

Figure 1

Environs Plan

Skate Park Site Master Plan

City of Fremont, California

Recreation Commission: July 21, 2010

Womhoudt INC

CITY OF Fremont

VERDE DESIGN

Figure 2

Site Master Plan